

REMARKS

I. Telephone Interviews

Examiner Pham is thanked for the courtesies extended to the undersigned during telephone interviews on November 18, 2003 and November 21, 2003. During the November 18, 2003 telephone interview, the undersigned set forth reasons why the 35 U.S.C. § 103(a) rejections over Scott (U.S. Pat. No. 5,649,195), either alone or in combination with Wu (U.S. Pat. No. 6,463,247), were improper. The substance of the Applicant's arguments are repeated in the following sections. The undersigned also noted that the instant application had been pending since April 10, 2000, and that a third, non-final office action had been received. The third office action rejected the claims for a second time without further amendment, thus making the instant case ripe for appeal. Furthermore, because the instant case had been transferred from Examiner Nguyen to Examiner Pham, Examiner Pham stated that he would likely do another search. To expedite prosecution, Examiner Pham agreed to conduct a search and provide the results before the Applicant responded to the third office action.

During the November 21, 2003 telephone interview, Examiner Pham referenced U.S. Pat. Nos. 6,308,201 and 6,516,327, and suggested that an amendment that would more distinctly claim the claimed synchronization parameters would place the presently pending claims in condition for allowance. The amendments submitted in this reply are thus submitted at the Examiner's suggestion. The substance of the amendments are discussed below.

II. Amendment To The Claims

Each independent claim has been amended to better define the "synchronizing parameter" terms as requested by the Examiner. These amendments clarify the currently pending claims by explicitly stating that the claimed synchronization parameters are indicative of the versions of

data records stored at different locations, e.g., one or more host systems and/or one or more portable communication devices, or at first and second databases. The Applicant respectfully submits that these amendments are fully responsive to the Examiner's indication that the synchronization parameters in the claims prior to this amendment read on other aspects of a database record, such as a database record number. Accordingly, the Applicant respectfully submits that the cited art and the art cited by the Examiner during the November 21, 2003 telephone interview (U.S. Pat. Nos. 6,308,201 and 6,516,327), either alone or in combination, do not disclose, teach or suggest all of the elements of any of currently pending independent claims 1, 11, 17, 18, 25, or 27.

No new matter is added by this amendment. Support may be found in the specification at page 11, lines 6-19; page 12, lines 3-6; lines 16-22; page 15, line 13 - page 16, line 8; page 16 line 15 - page 17, line 2; page 18, line 16 - page 21, line 14; page 22, line 1 - page 24, line 13; and the figures referenced in the cited passages from the specification.

III. 35 U.S.C. § 103(a) Rejection

Claims 1, 2, 4, 6, 8-15, 18, 19, 25 and 27-31 were rejected under 35 U.S.C. § 103(a) over Scott. The Applicant respectfully submits that the rejection over Scott is improper and that claims 1, 2, 4, 6, 8-15, 18, 19, 25 and 27-31 are allowable over Scott for the reasons set forth below.

A. Independent Claims 1, 18, 19, 25, and 27

With respect to claims 1, 18, 19, 25, and 27, the third office action indicates that the next-broadcast-number and the next-sequence-number of Scott is a first synchronization parameter, and that the last-broadcast-number-received and the last-sequence-number-received of Scott is the second synchronization parameter. The third office action then states that a first update

message is transmitted from the first database to the second database and includes the first and second synchronization parameters. Third office action, pp. 2-3. However, Scott does not transmit the last-broadcast-number-received and the last-sequence-number-received to the second database. Instead, these numbers are stored at the remote computers of Scott. Scott, 5:54-67; 9:40-10:11; Fig. 7. Clearly, then, Scott, as applied, does not teach all of the limitations of claims 1, 18, 19, 25, and 27, as Scott does not transmit "a first update message from the first database to the second database, the first update message including the incremented first synchronization parameter, the second synchronization parameter, and the updated data record from the first database." Accordingly, the Applicant respectfully submits that claims 1, 18, 19, 25, and 27 and all claims depending from claims 1, 18, 19, 25, and 27, are allowable over Scott.

B. Independent Claims 11 and 19

Claims 11 and 19 require transmission both to and from a host system and a device.

Claim 11 recites:

if a data record is updated at the host system, then updating the first host synchronization parameter, and transmitting a first update message *from the host system to the portable data communication device*; and
if a data record is updated at the device, then updating the second device synchronization parameter, and transmitting a second update message *from the portable data communication device to the host system*.

Claim 19 recites:

software operating at the host system for updating a data record and for generating a first update message that is transmitted from the host system to the portable data communication device.... and
software operating at the portable data communication device for updating a data record and for generating a second update message that is transmitted from the portable data communication device to the host system....

Scott, however, is directed to a system for synchronizing records *in a receive-only system*. Scott, Abstract; 5:9-14. Furthermore, there is no motivation in Scott to modify the

system to include a bi-directional communication capability. The Third Office Action at page 6 states that it would be obvious to modify Scott to include transmitting a second message from the portable device to the host system "in order to synchronize a plurality of databases without any conflict." However, Scott expressly states that manual intervention would be required in the event of synchronization problems. Scott, 10:5-11. Clearly, then, Scott teaches that manual intervention is required for synchronization conflicts, and thus *teaches away* from the present invention. Accordingly, for this additional reason, the Applicant respectfully submits that claims 11 and 19, and all claims depending from claims 11 and 19, are allowable over Scott.

IV. Conclusion

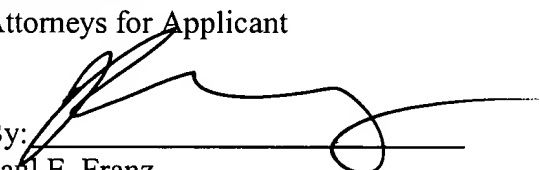
For the reasons stated above, Applicant respectfully submits that the pending claims are in condition for allowance and requests that a Notice of Allowance be issued.

The Commissioner is hereby authorized to charge any fees associated with this response to Jones Day's Deposit Account No. 501432, ref: 555255-012123.

Respectfully submitted,

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